IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.359 OF 2007

In

NOTICE OF MOTION NO.195 OF 2006

In

SUMMONS FOR JUDGEMENT NO.601 OF 2005

In

SUMMARY SUIT NO.1676 OF 2005

Usha International Limited : Plaintiff

V/s.

Mukesh Israni : Defendant

...

Mr.Vijay S. Gharat for the defendant in support.

Mr.A.N.Khatri i/b. Mr.A.L.N.Khatri & Co., for the plaintiff to show cause.

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CORAM : A.M. KHANWILKAR, J.

DATE : JUNE 11, 2007.

P.C.

Although this Motion is opposed by the opposite party, in my opinion, in the interest of justice, the Motion deserves to be allowed as it is a well-established position that for the mistake of the Advocate, the litigant should not suffer. The reason mentioned in the

affidavit-in-support of the Motion concedes the position that it is the mistake of the Advocate. Thus understood, the Motion is made absolute in terms of prayer clause (a) on condition that the Advocate on record for the defendant shall personally pay costs quantified at Rs.2,500/- to the High Court Legal Services Committee, Bombay, within one week from today as condition precedent for granting this indulgence. If the amount is paid in time, Notice of Motion No.195 of 2006 be proceeded, in accordance with law.

A.M. KHANWILKAR, J.